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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,049	07/25/2001	Andreas Dieberger	YOR9-2001-0385 (8728-520)	6021
46069 7590 12/13/2007 F. CHAU & ASSOCIATES, LLC 130 WOODBURY ROAD WOODBURY, NY 11797			EXAMINER VAN BRAMER, JOHN W	
			ART UNIT 3622	PAPER NUMBER
			MAIL DATE 12/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/915,049	Applicant(s) DIEBERGER ET AL.	
	Examiner John Van Bramer	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 23, 2007 has been entered.

Response to Amendment

2. The amendment filed on October 23, 2007, cancelled claim 21. No claims were added, and claims 3, 14, 17, 18, and 20 were amended. Thus the currently pending claims remain Claims 1-20.

Claim Objections

3. The amendment filed on October 23, 2007 has corrected the deficiencies of Claims 3-6 identified in the Office Action dated August 23, 2007. Thus the examiner hereby withdraws the objection to Claims 3-6.

4. The amendment filed on October 23, 2007 failed to correct the deficiencies of Claims 17-19 identified in the Office Action dated August 23, 2007. Thus the objection is maintained. Claims 17-19 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claims 17 and 18 depend from claim 16 which recites the receiving a of trigger rule from either a location handler or a signal handler. Thus a location handler is not required, since a trigger rule from a signal handler is all that is necessary to satisfy the limitations imposed by the claim. Claims 17 is directed towards a trigger rule from a location handler only, and thus does not further limit the claim when the trigger rule is received from a signal handler. Claim 18 is directed towards a trigger rule from a signal handler only, and thus does not further limit the claim when the trigger rule is from a location handler. Claim 19 inherits the same deficiency as claim 18 based on dependency.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3622

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 – 9, and 13 - 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Boyd (U.S. Patent Number: 6,484,148).

Claim 1: Cohen discloses a method for displaying content on a display device:

- a. Retrieving a plurality of rules, each rule associated with displaying content, wherein the content is provided by a content provider. (Col 9, lines 43-63; and Col 13, lines 22-37)
- b. Updating a plurality of device parameters, wherein at least one device parameter is updated in response to detecting of one of a radio frequency identification tag and an infrared tag. (Col 6, lines 16-21; Col 7, lines 25-57; Col 8, lines 23-65) (EZ Pass transponders are radio frequency identification tags)
- c. Triggering at least one rule of the plurality of rules by the plurality of device parameters. (Col 7, lines 25-57; Col 8, lines 23-65)
- d. Executing the at least one triggered rule for causing the display of the content on the display device in response to the detection of the radio frequency

identification tag or the infrared tag be detected. (Col 7, lines 25-57; Col 8, lines 23-65; and Col 10, 11-14)

- e. Displaying the content according to the triggered rule, wherein no content is displayed when no device parameter indicates the detection of one of the radio frequency identification tag and the infrared tag. (Col 7, lines 25-57; Col 8, lines 23-65)
- f. Determining a fee according to the triggered rule, wherein the content provider is charged a fee. (Col 7, lines 25-57; Col 8, lines 23-65)

Claim 2: Cohen discloses the method of claim 1, wherein at least one rule is defined by the content provider to dynamically control the display of the content according to the device parameters. (Col 8, lines 23-65)

Claim 3: Cohen discloses the method of claim 1, wherein the step of executing the at least one triggered rule further comprises the step of receiving a rule trigger from one of a location handler and a signal handler. (Col 7, lines 25-57; Col 8, lines 23-65)

Claim 4: Cohen discloses the method of claim 3, wherein the step of receiving a rule trigger from the location handler further comprises the step of updating a positional parameter. (Col 12, lines 14-40; and Col 13, lines 29-37)

Claim 5: Cohen discloses the method of claim 3, wherein the step of receiving a rule trigger from the signal handler further comprises the steps of:

- a. Interpreting an input signal (Col 6, lines 35-58)
- b. Generating a programmatic event flag (Col 6, lines 35-58)

Claim 6: Cohen discloses the method of claim 5, wherein the step of generating a programmatic event flag further comprises the step of generating one of a reply signal and the rule trigger. (Col 6, lines 35-58)

Claim 7: Cohen discloses the method of claim 1, further comprising the step of providing an overriding rule blocking the display of content corresponding to the rule and the determination of the fee, wherein the overriding rule is defined by the device owner. (Col 12, lines 47-56)

Claim 8: Cohen discloses the method of claim 1, wherein the step of determining a fee further comprises the steps of:

- a. Determining a value for each of the device parameters (Col 8, lines 23-65)
- b. Determining at least one device parameter satisfying the triggered rule (Col 8, lines 23-65)
- c. Determining the fee according to value of the device parameters satisfying the triggered rule. (Col 8, lines 23-65)

Claim 9: Cohen discloses the method of claim 8, further comprising the step of charging the fee to a client providing content to be displayed. (Col 8, lines 23-65)

Claim 13: Cohen discloses the method of claim 1, wherein the fee is charged to a user for the use of the display. (the user is the advertiser using the service) (Col 8, lines 23-65)

Claim 14: Cohen discloses a method for displaying content on a mobile display device:

- a. Retrieving a plurality of rules stored in the mobile display device from a rule server. (Col 9, lines 43-63; and Col 13, lines 22-37)
- b. Determining a value for each of a plurality of device parameters. (Col 6, lines 16-21; Col 7, lines 25-57; Col 8, lines 23-65)
- c. Executing each rule satisfied by the device parameters, wherein the execution is in response to detecting at least one of a radio frequency tag and an infrared tag. (Col 6, lines 16-21; Col 7, lines 25-57; Col 8, lines 23-65) (EZ Pass transponders are radio frequency identification tags)
- e. Displaying content according to each satisfied rule, wherein a first satisfied rule specifies that the radio frequency identification tag or the infrared tag be detected and a second satisfied rule specifies a certain demographic determined based upon a product associated with the radio frequency

- identification tag or the infrared tag. (Col 6, lines 16-21; Col 7, lines 25-57; Col 8, lines 23-65) (EZ Pass transponders are radio frequency identification tags
- f. Determining a monetary charge based on the content displayed and a value associated with the satisfied rules, which triggered the display of the content, wherein different rules having different values. (Col 6, lines 16-21; Col 7, lines 25-57; Col 8, lines 23-65)

Claim 15: Cohen discloses the method of claim 14, wherein at least one rule is defined by a content provider to dynamically control the display of the content according to the device parameters. (Col 8, lines 23-65)

Claim 16: Cohen discloses the method of claim 14, further comprising the step of receiving a rule trigger from one of a location handler and a signal handler. (Col 7, lines 25-57; Col 8, lines 23-65)

Claim 17: Cohen discloses the method of claim 16, further comprising updating a positional parameter upon receiving a rule trigger from the location handler. (Col 12, lines 14-40; and Col 13, lines 29-37)

Claim 18: Cohen discloses the method of claim 16, further comprises the steps of:

a. Interpreting an input signal. (Col 6, lines 35-58)

- b. Generating a programmatic event flag upon receiving a rule trigger from the signal handler. (Col 6, lines 35-58)

Claim 19: Cohen discloses the method of claim 18, wherein the step of generating a programmatic event flag further comprises the step of generating one of a reply signal and the rule trigger. (Col 6, lines 35-58)

Claim 20: Cohen discloses a program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform method steps for displaying content on a display device, the method steps comprising:

- a. Retrieving a plurality of rules for the display of content, wherein the content is provided by a content provider. (Col 9, lines 43-63; and Col 13, lines 22-37)
- b. Updating a plurality of device parameters, wherein at least one device parameter is updated in response to detecting one of a radio frequency identification tag and an infrared tag provided to at least one spectator. (Col 6, lines 16-21; Col 7, lines 25-57; Col 8, lines 23-65) (EZ Pass transponders are radio frequency identification tags)
- c. Determining a rule trigger for triggering at least one rule of the plurality of rules according to the plurality of device parameters. (Col 6, lines 16-21; Col 7, lines 25-57; Col 8, lines 23-65)
- d. Executing a trigger rule for causing the display of the content on the display device, wherein the triggered rule specifies that the spectator be detected,

Art Unit: 3622

- wherein the spectator is detected by a receiver which detects the radio frequency identification tag or the infrared tag provided to the spectator. (Col 6, lines 16-21; Col 7, lines 25-57; Col 8, lines 23-65) (EZ Pass transponders are radio frequency identification tags)
- e. Determining a fee according to at least one device parameter upon executing a rule for the display of content, wherein the content provider is charged the fee (Col 6, lines 16-21; Col 7, lines 25-57; Col 8, lines 23-65), wherein the method step of determining a fee further comprises:
- i. Determining a value for each of the device parameters. (Col 8, lines 23-65)
 - ii. Determining at least one device parameter satisfying the triggered rule. (Col 8, lines 23-65)
 - iii. Determining the fee according to value of the device parameters satisfying the triggered rule. (Col 8, lines 23-65)

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3622

8. Claims 10 – 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyd (U.S. Patent Number: 6,484,148).

Claims 10 and 11: Boyd discloses the method of claim 8, further comprising the step of apportioning fees (Col 8, lines 23-65). However, Boyd is silent with regard to various permutations in which fee apportionment might entail. The teachings of Boyd describe the display system itself and not who owns and operates the display system. It would have been obvious to one of ordinary skill in the art at the time of the invention that the service provider (entity that runs, operates and/or owns the display device) would need to reimburse the third party carrier (i.e. taxi company, billboard owners, etc) for allowing them to put the display on the carrier's physical property (i.e. taxi cabs, etc.). One would have been motivated to institute such a reimbursement in order to provide the third party carrier with an incentive to install the display to help in the defrayment of operating costs.

Claim 12: Boyd discloses the method of claim 8, further comprising the step of apportioning the fees (Col 8, lines 23-65). However, Boyd is silent with regard to various permutations in which fee apportionment might entail. The teachings of Boyd describe the display system itself and not who owns and operates the display system. It would have been obvious to one of ordinary skill in the art at the time the invention was made that when the device is sold as a stand alone

device, in which various third party carriers (i.e. taxi companies, billboard owners, etc.) can purchase and in stall, a fee would need to be paid to the plurality of owners, by the service provider (entity that operates the advertisement distribution hardware), in order to be provided the opportunity to display advertisements on their mobile display unit. One would have been motivated to provide such a reimbursement in order to maximize the number of display units on which it can provide advertisements, and as a result maximize the fees it charges to entities wishing to advertise on the service.

Response to Arguments

9. Applicant's arguments filed October 23, 2007 have been fully considered but they are not persuasive.

a. The applicant argues that Boyd teaches that non-targeted ads are displayed when no identifying signal. However, Boyd actually teaches that it would be preferable if non-targeted ads are displayed when no signal is detected. Thus, Boyd inherently teaches that the system is operable to display ads only when a signal is detected but that it preferred that non-targeted ads are displayed.

b. The applicant argues that Boyd does not teach "determining a monetary charge based on the content displayed and a value associated with the satisfied rules which triggered the display of the content, wherein different rules having

different values". However, Boyd teaches in Col 8, lines 24-34 that the receiver can receive multiple signals and provides targeted advertising based upon the consumer profile that has indicates the highest value. Boyd further teaches that the consumer profile can be a composite profile based upon an analysis of the multiple signals received in Col 8, lines 34-45. Finally Boyd teaches in lines 46-51 that the system performs a ranking function to determine the optimal ad to display and that the optimal ad is determined based upon the fees generated for displaying the ad and the match between the advertisement profile and the consumer profile. Thus Boyd teaches the determination of a value associated with the consumer profile (How closely the match is between the advertisement profile and the consumer profile.) and the determination of a monetary charge based on the content displayed (Fee generated for displaying) in order to determine the optimal ad for a given situation.

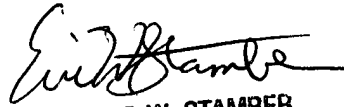
c. The applicant argues that Boyd does not teach "determining a value for each of the device parameters, determining at least one device parameter satisfying the trigger rule, and determining the fee according to a value of the device parameters". However Boyd teaches the performing of a ranking function where the optimal ad is chosen for display in Col 8, lines 24-51. The optimal ad is determined based upon the fees generated for displaying the ad and the match between the advertisement profile and the consumer profile. Thus, in order to determine the optimal ad the value of each device parameter as well as various combinations of parameters across devices is determined and the advertisement

fee for each ad that satisfies given device parameters is determined and matched to each permutation. The system then uses this information to determine the optimal ad for display based upon these criteria.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Van Bramer whose telephone number is (571) 272-8198. The examiner can normally be reached on 6am - 4pm Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


ERIC W. STAMBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Art Unit: 3622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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